

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---|---|---------------------|
| MERLE L. ENNIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:20 CV 434 CDP |
| |) | |
| KILOLO KIJAKAZI, |) | |
| Acting Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

Plaintiff Merle L. Ennis prevailed on his appeal for judicial review of an adverse decision of the Social Security Administration and requested attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of \$8,994.40. Plaintiff and Defendant later agreed to an award of EAJA fees and expenses in the amount of \$8250. I will grant the agreed upon amount.

This matter came before me on plaintiff's appeal for judicial review of an adverse decision of the Social Security Administration. In a judgment entered on October 29, 2021, I reversed the Commissioner's decision and remanded the matter to the Commissioner for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Plaintiff now seeks an award of attorney's fees inasmuch as he is a prevailing party, has a net worth of less than two million dollars, and incurred these fees in this action. 28 U.S.C. § 2412(d). The Commissioner does not oppose


plaintiff's motion but requests that \$8250 be made payable in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). Upon review of plaintiff's motion and the Commissioner's response, I find the fees agreed upon by the parties and the Commissioner's requested terms of payment to be reasonable.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Petition for Award of Attorney Fees Pursuant to the Equal Access to Justice Act [30] is **GRANTED**, but only to the extent the parties agree to the amount of \$8250.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2412(d), plaintiff shall recover attorney's fees from the Social Security Administration in the amount of Eight Thousand, Two Hundred Fifty and 00/100 Dollars (\$8,250.00).

IT IS FURTHER ORDERED that, under the terms of the Fee Agreement executed by the plaintiff in this case (*see* ECF 30-2), the award shall be made payable to her attorney.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of February, 2021.